No. 568. PENDERGAST *v.* UNITED STATES; and

No. 569. O'MALLEY *v.* UNITED STATES. Appeals from the District Court of the United States for the Western District of Missouri. October 13, 1941. *Per Curiam:* It does not appear that the proceedings sought to be reviewed required the presence of three judges under § 266 of the Judicial Code as amended, 28 U. S. C. § 380. *Public Service Commission* v. *Brashear Lines,* 312 U. S. 621, 625–26; *Phillips* v. *United States,* 312 U. S. 246, 248–51. The motion to dismiss is therefore granted and the appeals are dismissed. The appeals filed under § 238 of the Judicial Code as amended, 28 U. S. C. § 345, are dismissed for want of jurisdiction. MR. JUSTICE MURPHY and MR. JUSTICE JACKSON took no part in this decision. *Messrs. R. R. Brewster* and *John G. Madden* for appellant in No. 568. *Messrs. James P. Aylward* and *Terence M. O'Brien* for appellant in No. 569. *Assistant Solicitor General Fahy* and *Mr. William S. Hogsett* for the United States. Reported below: 39 F. Supp. 189.